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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNOPSYS, INC.,

Plaintiff,

v.

PHAN VĂN KHÁNH, DOE COMPANY, and
DOES 1-5, inclusive,

Defendants.

Case No. 3:22-cv-02546-JD

**ORDER RE PLAINTIFF SYNOPSYS,
INC.'S EX PARTE MOTION FOR
(1) TEMPORARY RESTRAINING
ORDER; (2) ORDER TO SHOW CAUSE
RE PRELIMINARY INJUNCTION;
(3) ORDER FOR EXPEDITED
DISCOVERY; AND (4) ORDER
AUTHORIZING ALTERNATIVE
SERVICE ON DOES 1-6**

1 Plaintiff Synopsys, Inc., filed a motion for a temporary restraining order, order to show
2 cause why a preliminary injunction should not be entered, order for expedited discovery, and order
3 authorizing alternative service. Dkt. No. 8. The Court held a hearing at which Synopsys appeared.
4 Dkt. No. 12. Defendant Phan Văn Khánh did not appear.

5 Synopsys has established that it provided notice of the TRO motion and hearing to Khánh.
6 Dkt. Nos. 8-1, 11. The request for a temporary restraining order is governed by the same legal
7 standard as a motion for a preliminary injunction. *See Stuhlbarg Int’l Sales Co., Inc. v. John D.*
8 *Brush & Co., Inc.*, 240 F.3d 832, 839 n. 7 (9th Cir. 2001). “A plaintiff seeking a preliminary
9 injunction must establish that he is likely to succeed on the merits, that he is likely to suffer
10 irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor,
11 and that an injunction is in the public interest.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S.
12 7, 20 (2008). Alternatively, “a preliminary injunction could issue where the likelihood of success
13 is such that serious questions going to the merits were raised and the balance of hardships tips
14 sharply in plaintiff’s favor,” so long as the plaintiff demonstrates irreparable harm and shows that
15 the injunction is in the public interest. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127,
16 1131 (9th Cir. 2011) (internal quotation omitted). Under either approach, “at an irreducible
17 minimum,” the party seeking an injunction “must demonstrate a fair chance of success on the
18 merits, or questions serious enough to require litigation.” *Pimentel v. Dreyfus*, 670 F.3d 1096,
19 1105-06 (9th Cir. 2012) (internal quotation omitted).

20 The Court makes no definitive finding on the merits of this case at this early stage, but the
21 Court finds that for present purposes, Synopsys has demonstrated a serious question on the merits
22 of its claims under the Digital Millennium Copyright Act (DMCA), 17 U.S.C. § 1201 *et seq.*, and
23 the Lanham Act, 15 U.S.C. §§ 1125(a)(1)(A), 1125(a)(1)(B). Synopsys has also adequately
24 established that it is likely to suffer irreparable harm if a temporary restraining order is not granted,
25 and that the balance of equities and public interest factors also support the issuance of a limited
26 TRO.

27 Synopsys has demonstrated good cause for expedited third-party discovery to ISPs who
28 have in their possession, custody, and control subscriber information for services associated with

1 operation of the ShareAppsCrack.com website, so that the Doe defendants may be identified. But
2 Synopsys' request for forensic discovery on defendant Khánh's devices and computers that are
3 involved in ShareAppsCrack.com's operation is denied without prejudice for the reasons stated at
4 the hearing.

5 The Court also finds that there is good cause to allow alternative service on the Doe
6 defendants associated with ShareAppsCrack.com's operation.

7 Consequently, IT IS ORDERED that:

8 Synopsys may effect service by email on Does 1-6. Synopsys is directed to file proofs of
9 service on the ECF docket after effectuating service by email.

10 Defendants Phan Văn Khánh and Does 1-6, their officers, agents, directors, servants,
11 employees, and all other persons and entities acting in concert or participation with them, are
12 enjoined from the following acts:

13 (1) in connection with any goods or services, using in commerce (a) any word, term, name,
14 symbol, or device, or any combination thereof, or (b) any false designation of origin, false or
15 misleading description of fact, or false or misleading representation of fact, which is likely to cause
16 confusion, mistake, or deception as to the affiliation, connection, or association of Synopsys with
17 defendants, or as to the origin, sponsorship, or approval of defendants' goods, services, or
18 commercial activities by Synopsys;

19 (2) sharing, hosting, distributing, or otherwise trafficking in any counterfeit Synopsys
20 software; and

21 (3) manufacturing, importing, offering to the public, providing, or otherwise trafficking in
22 any technology, product, service, device, component, or part thereof, that is primarily designed or
23 produced for the purpose of circumventing technological measures that effectively control access
24 to Synopsys' copyright-protected software.

25 Synopsys may serve subpoenas on third-party service providers who are likely to have in
26 their possession, custody, or control subscriber information for Doe defendants, for the purpose of
27 learning the identities of the Doe defendants.

1 Pursuant to Federal Rule of Civil Procedure 65(b), defendant Phan Văn Khánh and
2 representatives for ShareAppsCrack.com, shall appear before this Court on June 2, 2022, at
3 10:00 a.m. to show cause, if there is any, why this Court should not enter a preliminary injunction,
4 pending a final judgment against defendant Khánh and ShareAppsCrack.com, enjoining them,
5 their representatives and persons who are in active concert or participation with them, from the
6 conduct temporarily restrained by this order.

7 The provisions of this order will remain in effect for a period of 30 days, through June 8,
8 2022.

9 **IT IS SO ORDERED.**

10
11 DATED: May 9, 2022



JAMES DONATO
UNITED STATES DISTRICT JUDGE